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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 20

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Note verbale dated 10 February 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

The Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Chairman of the Commission on Human Rights and, with reference to its previous note No. 27, of 13 January 1994, has the honour to enclose herewith, once again, documents prepared by the Government of the Federal Republic of Yugoslavia entitled "The destruction of Serbian Orthodox Churches in the territory of the Former Yugoslav Federal Unit of Croatia"; and "The destruction of Serbian Orthodox Churches in the territory of the former Yugoslav Federal Unit of Bosnia and Herzegovina' with the request that these be circulated as an official document of the fiftieth session of the Commission on Human Rights under agenda item 20.

GE.94-11010

FEDERAL REPUBLIC OF YUGOSLAVIA

Federal Minister of Foreign Affairs

Excellency,

Deeply alarmed by the activities carried out in the Republic of Croatia with the aim of exterminating the Serb people in the region in violation of the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, I have informed the competent bodies and commissions of the United Nations, as well as other international fora, about mass murders of Serbs, destruction of many Serb settlements and the ethnic cleansing of towns and villages with the mixed population (Zagreb, Osijek, Vinkovci, Novska, Slavonska Požega, Karlovac, Sisak, Varaždin, Daruvar, Virovitica, Bjelovar, Dubrovnik, Šibenik, Zadar and others, in some of which Serbs accounted for up to 41 per cent of the overall population, have now become almost ethnically "pure Croatian towns").

The aim of the activities of the Croatian authorities is not only the ethnic cleansing and the expulsion of Serbs from their ancestral homes. The totalitarian Croatian authorities have made very effort to remove all traces of the centuries-old life and culture of Serbs in the territory within the present-day Republic of Croatia. These activities of the Croatian Government and its subordinate organs, carried out in contravention not only of the Convention on the Prevention and Punishment of the Crime of Genocide, but also of the provisions of the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Protection of Cultural Heritage, are manifested in particular in their attempts to remove the traces of the centuries-old presence and activity of the Serbian Orthodox Church in this territory and to prevent its further work. The following information is the best evidence of such intentions of the Croatian Government:

1. Situation in Serbian Orthodox Church eparchies

Churches and Bishop's residences have been either dynamited, burned down or damaged in each of the five eparchies of the Serbian Orthodox Church, established in the territory of the former Yugoslav federal unit of Croatia. The damage, extensive everywhere, varies from eparchy to eparchy. The following information on the level of destruction in its eparchies in Croatia has been supplied by the Serbian Orthodox Church and confirmed by the EC Monitoring Mission:

a) Eparchy of Dalmatia

a.1) 13 churches demolished

a.2) 15 churches heavily damaged, 4 residences, one monastery and two chapels damaged and two cemeteries demolished.

His Excellency
Mr. Boutros Boutros-Ghali
Secretary-General of the United Nations
New York

b) Eparchy of Zagreb and Ljubljana

b.1) 9 churches demolished

b.2) 25 churches heavily damaged

b.3) residence of the Metropolitan of Zagreb and Ljubljana in Zagreb dynamited, 5 residences demolished and 4 residences, two chapels and a church museum damaged.

c) Eparchy of Gornji Karlovac

c.1) 5 churches demolished

c.2) 19 churches damaged, 3 residences demolished and 7 damaged 5 cemeteries demolished.

d) Eparchy of Slavonia

d.1) 31 churches demolished

d.2) 15 churches heavily damaged

d.3) the Bishop's residence in Pakrac demolished and looted, 2 monasteries damaged, 20 residences and other ecclesiastical establishment demolished. Out of them, 13 establishments have been dynamited and 7 burned down, 5 chapels have been demolished and 7 residences, 7 chapels and two cemeteries damaged.

183 Serb villages have been destroyed and 10 towns ethnically cleansed in the Eparchy of Slavonia.

e) Eparchy of Osijek and Polje and Baranja

e.1) 12 churches demolished

e.2) 21 churches heavily damaged, 6 residences dynamited and 8 damaged 3 chapels demolished and 2 damaged; 2 cemeteries demolished and 1 damaged.

2. Destruction of important cultural and historic monuments

The cultural and historic heritage of the Serb people, protected as the cultural heritage of major importance, has been destroyed with the knowledge and participation of the Croatian authorities, out of which I point to the following

a) log churches at Rastovac built in 1700 and at Donja Račanica built in 1709 burned down;

b) The Museum of the Serbian Orthodox Church in Zagreb, with exhibits from 13th to 19th centuries dynamited;

c) The Bishopric Library, founded by the Serb Patriarch Arsenije Čarnojević in 1690, in Pakrac has been looted. The library housed invaluable cultural assets which made it the most prestigious library of the Serb people.

The intention of the Croatian authorities to ethnically cleanse the Serb historical and ethnic territories and to eliminate the traces of the centuries-long existence of Serbs in these territories is evinced also by the fact that about 70 per cent of the demolished or damaged ecclesiastical establishments are located outside combat zones, some of them over 50 km away from the frontline (Pula, Rijeka, Zagreb). The Croatian Army displayed singular insensitivity toward the Serbian Orthodox Church in the village of Kušanci, the birthplace of the present Serbian Patriarch Pavle. The Croatian authorities have also expelled the Bishops of the Serbian Orthodox Church from Croatia and did everything to prevent their return. To that effect, they dynamited or demolished all Bishops' residences and cathedral churches, including those in Pakrac, the hub of

Serbian spiritual life in Western Slavonia, Osijek, Karlovac and elsewhere. In a word, everywhere in the territory of the former Yugoslav federal unit of Croatia where the Serb people offered no resistance (in ethnically mixed communities) or where it expressed allegiance to the new Croatian authorities, the Serb people has been the victim of genocide. History has repeated itself, the ignominious policy of Mile Budak, Minister in Pavelić's quisling Government of the so-called Independent State of Croatia during World War Two, has risen its ugly head all over again: Serbs are to be killed, expelled or converted into Catholicism. An important street in Zagreb has been recently renamed after Budak, while surviving Ustasha war criminals from World War Two have found their place in the Croatian Sabor, Government and diplomacy.

Confident that the United Nations and the international community as a whole will not turn a blind eye to these gross violations of the rights of the Serb people in a United Nations member State, carried out in blatant disregard of the fundamental principles of international law, I trust and believe that Your Excellency will take appropriate measures, in accordance with the Charter of the United Nations, to prevent the ethnic cleansing and the destruction of the establishments of the Serbian Orthodox Church and the cultural heritage of the Serb people in the territory of the Republic of Croatia.

Please accept, Excellency, the assurances of my highest consideration.

Vladislav Jovanović

(signed)

EUROPEAN COMMUNITY
MONITOR MISSION TO YUGOSLAVIA
REGIONAL CENTRE BELGRADE

7 November 1992

From: ECMM Regional Centre Belgrade

To: His Beatitude Bishop Lukijan

The results of the investigation following your inquiry done by an ECMM team

A. Oblakovac - every house destroyed, no inhabitants remain

B. Vučjak Čačavački - every house destroyed, no inhabitants remain

C. Jaminovac - every house destroyed, no inhabitants remain

D. Kujnik - very house destroyed, no inhabitants remain

E. Orljavac - all Serb houses destroyed, only Croat residents remain

F. Crljenci - every house destroyed, no inhabitants remain

G. Sloboština - every house destroyed, no inhabitants remain

H. Milivojevci - every house destroyed, no inhabitants remain

I. Podarača - every house destroyed, no inhabitants remain

J. Vranić - every house destroyed, no inhabitants remain

K. Nježić - every house destroyed, no inhabitants remain

L. Požeški - there are many villages with the second part of the name Požeški, clarification is required

M. Markovac - every house destroyed, no inhabitants remain

M. Klisa - every house destroyed, no inhabitants remain

O. Odžakovci - very house destroyed, no inhabitants remain

P. Poljanska - village in relatively good shape, about 12 houses destroyed

G. Kantrovci - every house destroyed, no inhabitants remain

R. Gornji Vrhovci - very house destroyed, no inhabitants remain

S. Lučinci - most of Serbs have returned to village and 2 families who now live in Požega return to work on farm. There are very few damaged houses and Croat and Serb residents live in harmony, 3 Muslim refugee families have moved into village from Bosnia.

A. Šnjegovci - We were unable to visit this village as the road to the village was blocked. We suspect that this village has also been destroyed.

B. Oljasi - The parish house has been considerably damaged but not completely destroyed. It could be repaired.

C. Smoljanovci - Although the bell tower is still standing all houses in the village have been destroyed and no inhabitants remain.

3. Response to paragraph six:

A. Treštanovci - the orthodox priest Vojislav Blagojević left his parish voluntarily about 17 August 92 and returned to his native town in Bosnia. His wife and children returned to Serbia prior to the priest leaving. Discussion with villagers indicate that approximately 70 percent of village is Serbian and they live in complete harmony with Croat neighbours.

The orthodox priest in Treštanovci Vojislav Blagojević left his home after all his villages in his parish were destroyed and people left them.

B. Jakšić - the village now contains population of 25-28 percent Serbs, 10 percent Muslim/Albanian and the remained Croat. The houses that are blown are those of people that have left the village. Conditions are 100 percent better now than before the war and the people went to live in harmony. Although there are no Serbs serving on the council there were two until just recently. There are a small number of Serbs that would be willing to change houses with Croats living in Vojvodina.

A. Gradište - the church is standing and is undamaged although the parish house has been destroyed as well as seven other houses in the village. There are 22 empty houses in the village and 20 houses occupied with elderly residents. The village population consists of 95 percent Serb and approximately 5 percent Croat. The village is peaceful and there have been no provocations for four months. Three families in the village have sons but also are living peacefully in the village.

B. Letisevac - The Church has not been harmed by the war but it does show signs of damage and requires normal maintenance. The population of the village is 70 percent Serb and 30 percent Croat. There are no blown houses and rest of the people that remain in the village are elderly. There was no fighting in this village during the war and all the residents live in harmony.

C. Ciglanik - three houses have been blown and three houses burned with the last house blown in August and the last provocation was about mid October with rifle fire through a window in one house. The residents of the village are afraid and some would like to exchange houses but have not the proper papers to do so.

D. Kula - sixty percent of the village have changed houses and the thirty five percent of those remaining are old. There are nine Serbs that have a position of the village committee and the village appears peaceful. There is some attempt to change the name of the village to Hrtkovci.

A. Crkveni Vrhovci - the church was destroyed on 3 June 1992 and only the tower remains standing and appears to be in good shape. All Serb inhabitants have remained in village and are well with only very minor provocations reported. The residents would like to rebuild church but do not have the money to do so.

FROM: EUROPEAN COMMUNITY MONITOR MISSION
REGIONAL CENTRE - BELGRADE
TO: ARCHDEACON RAKIC
DATE: 27.8.1992
SUBJECT: CHURCHES IN CROATIA
REF: YOUR LETTER OF 29TH JULY 1992

HEREWITH IS AN INTERIM VERBATIM REPORT FROM OUR PEOPLE IN NASICE ON THIS MATTER. WE HOPE TO HAVE MORE LATER.

1. BUDIMICI/BELA LOZA

1.1 BUDIMICI: CHURCH IS LIGHTLY DAMAGED. HOUSE OF THE PRIEST STILL IN GOOD CONDITION. AROUND FIVE HOUSES HAVE BEEN BLOWN UP. ABOUT 60 MEN ARE IN JAIL AWAITING TRIAL FOR ILLEGAL OWNERSHIP OF WEAPONS. MORALE IS GOOD.

1.2 BELA LOZA: SITUATION IS RELATIVELY QUIET. NO HOUSES BLOWN UP. A FEW TRACTORS WERE STOLEN IN JULY.

2. PODRAVSKA SLATINA: PRIEST WAS PRESENT WITH HIS WIFE DURING THE MEETING. 100 FAMILIES HAVE LEFT THE TOWN SINCE 1991. ABOUT 10 FAMILIES EACH MONTH FOR THE LAST THREE MONTHS HAVE DEPARTED AS OPPORTUNITIES TO EXCHANGE PROPERTIES WITH CROATS HAVE ARISEN. THE PRIEST ENCOURAGES THESE DEPARTURES BUT IS NOT REALLY HAPPY ABOUT IT. AROUND 300 HOUSES HAVE BEEN BLOWN UP SINCE LAST YEAR.

3. VIROVITICA: SITUATION REMAINS TENSE. TERRORISTS ARE FEW BECAUSE OF DISTANCE FROM FRONT LINE. SOME HOUSES HAVE BEEN BLOWN UP BUT IT WAS IMPOSSIBLE TO GET ACCURATE INFORMATION.

4. DICELKA: PRIEST DEPARTED WHEN HIS HOUSE WAS BLOWN UP. THE PEOPLE ARE IN GOOD CONDITION BUT THE SITUATION REMAINS TENSE.

5. GRADINA: SOME HOUSES HAVE BEEN DESTROYED BUT THERE ARE SERBS STILL LIVING IN THE TOWN.

6. GACISTE: 50% SERB/CROAT. RELATIONS BETWEEN THE COMMUNITIES ARE STABLE AT PRESENT. FEW HOUSES HAVE BEEN DESTROYED. THE LAST ONE WAS BLOWN UP 8 WEEKS AGO.

7. SOKOLAC: 3 HOUSES BLOWN UP. PEOPLE SEEN TO BE LIVING NORMALLY BUT SOME SERBS HAVE DEPARTED. THREAT IS LOW.

8. GORNJI MIHOLJAC: SITUATION IS STILL VERY TENSE. THREAT FROM EXTREMISTS WHICH POLICE ARE TRYING TO DEAL WITH. PRIEST IS LIVING ELSEWHERE AFTER HIS HOUSE WAS BLOWN UP ON 18TH JULY AND IS STILL RECEIVING THREATS.

GENERALLY THE SITUATION IS DECREASED AS TENSE FOR THE SERBIAN PEOPLE WHO LIVE IN THE NASCICE COMMUNITY.

WE HOPE THIS RATHER SCANTY INFORMATION IS OF HELP. MORE WILL FOLLOW IN DUE COURSE.

THE BEST WISHES
MICHAEL SHUTTLEWORTH

FEDERAL REPUBLIC OF YUGOSLAVIA
Federal Minister of Foreign Affairs

Belgrade, 14 December 1993

Excellency,

In certain regions of former Yugoslav federal unit of Bosnia-Herzegovina, the process of ethnic cleansing of Serbs and destruction of their spiritual and cultural heritage is taking place. Such activities of the Croatian and Moslem armed forces are in contravention of the international conventions on human rights and fundamental freedoms, the Conventions on the Elimination of All Forms of Racial Discrimination, on the Prevention and Punishment of the Crime of Genocide and on the Protection of Cultural Heritage.

I Religious Establishments Destroyed or Damaged in the Eparchies of the Serbian Orthodox Church in Former Bosnia-Herzegovina

1. The Eparchy of Banja Luka (seat in Banja Luka)
a. 1 Orthodox church demolished
2. The Eparchy of Bihać and Petrovac (seat in Petrovac)
a. 5 churches demolished
b. 2 churches damaged
c. 1 parochial home burned down and 1 charnel house dynamited
3. The Eparchy of Dabar and Bosnia (seat in Sarajevo)
a. 10 churches demolished
b. 12 churches damaged

His Excellency
Dr. Boutros Boutros-Ghali
Secretary-General
United Nations
New York, N.Y. 10017

c. 7 parochial homes demolished, 1 chapel damaged and 2 demolished and the Eparchy seat destroyed.

4. The Eparchy of Zahumlje and Herzegovina (the oldest eparchy of the Serbian Orthodox Church, established by St. Sava in 1219 with the seat in Hum, now in Mostar)

a. 24 churches demolished

b. 16 churches damaged

c. 1 monastery demolished, 2 bishop's residences dynamited, 2 parochial homes and 1 chapel demolished, 2 chapels damaged and 5 cemeteries destroyed and 5 damaged.

The Serbs, with Moslems the most populous in the region, were brutally expelled from Mostar and its surroundings. This ethnic cleansing was carried out jointly by Croats and Moslems. The world media and the international community turned a blind eye to this horrendous crime against the Serb population of Mostar and its surroundings, stoking thus the violent clashes between Moslems and Croats for the control of the town. In these clashes, Croats destroyed the Old Bridge over the Neretva River erected in the 16th century by Turks with the labour of enslaved Serbs.

5. The Eparchy of Zvornik and Tuzla (seat in Tuzla)

a. 32 churches demolished

b. 26 churches damaged

c. 20 parochial homes demolished, the seat, Bishop's Residence and 8 parochial homes damaged, 1 chapel and 2 cemeteries demolished.

II Destruction of Historical and Cultural Monuments of the Serb People

The following cultural and historical monuments were destroyed:

1. The old Orthodox church in Mostar built in the 16th century.

2. The cathedral church in Mostar built in 1873, one of the biggest churches in the Serb Patriarchate, with exceptionally valuable items. Shelled on 7 and 8 June 1992, its belfry was destroyed and its interior burned down on 15 June. Subsequently, the church was dynamited and razed to the ground.

3. The Monastery of Žitomislić (in the Eparchy of Zahumlje and Herzegovina), built in 1563, was burned and destroyed on 15 July 1992. This Monastery had been damaged also in World War Two and its monks killed by Croatian Ustashe, forerunners of the present Tudjman regime.

4. The Church of St. George at Kopači (in the Eparchy of Dabar and Bosnia), built by Herceg Stjepan in 1446, was looted and burned down by the Moslem armed forces of Alija Izetbegovic, while the adjacent cemetery was ploughed over.

5. Croatian armed forces established their bivouac in the monastery at Zavala, built in the 15th century. They desecrated and damaged this unique spiritual and cultural monument of the Serb people with frescoes dating back to 1690, just as they desecrated and damaged the Serb Orthodox church in Dubrovnik in which they set up their quarters on 2 October 1992.

6. The charnel houses at Prebilovci, Veličani and Livno, with the remains of the Serbs brutally killed by Croatian Ustashe and the Moslem Hanjar Division in World War Two have been dynamited or burned down.

III Perpetrators, Time and Manner of Destruction

The perpetrators of these acts were the armed forces of Bosnian Croats and Moslems and the units of the regular army of Croatia. These crimes were committed also at the beginning of the civil war while Tudjman's Croatia and its acolytes Bosnian Croats and Alija Izetbegović's Moslems, were still great allies and very hard at work dynamiting, burning down and ploughing over Serbs spiritual and cultural monuments dating back to the medieval times in a vain attempt to erase the evidence of their centuries-old presence in these lands.

Convinced of the need that it is necessary to invest every effort to bring about peace and protect the life and dignity of every man and woman and the right to life and comprehensive development of every people, I trust and believe that the Serb people will also be granted the same rights and protection before the international community and its fora.

Please accept, Excellency, the assurances of my highest consideration.

(Sgd.) Vladislav Jovanović

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 22

RIGHTS OF THE CHILD

Letter dated 10 February 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the fiftieth session of the Commission on Human Rights

The Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Chairman of the Commission on Human Rights and, with reference to its previous note No. 27 of 13 January 1994, has the honour to enclose herewith, once again, a document prepared by the Government of the Federal Republic of Yugoslavia entitled "Report on the problems and difficulties in the enforcement of the Convention on the Rights of the Child" and attached letter addressed to the Chairperson of the Committee on the Rights of the Child with the request that they be circulated as an official document of the fiftieth session of the Commission on Human Rights under agenda item 22.

GE.94-10955

PERMANENT MISSION OF THE
FEDERAL REPUBLIC OF YUGOSLAVIA
TO THE UNITED NATIONS
5, chemin Thury 1206 Geneve
Tel. 346 44 33 - 346 68 66 Fax 346 44 36 Tlx 42 77 54

15 November 1993

Dear Madam Chairperson,

Referring to the dramatic situation in which the entire civil population of the Federal Republic of Yugoslavia has found itself in, in particular its youngest and most precious inhabitants, the children, as well as the refugee children, I have the honour, in your capacity of Chairperson of the Committee on the Rights of the Child, to submit herein the Report "On the Problems and Difficulties in the Enforcement of the Convention on the Rights of the Child" prepared by the Government of the Federal Republic of Yugoslavia.

Commencing with its moral and state responsibility toward Yugoslav children and youth, as well as the obligations undertaken by the signing of the Convention on the Rights of the Child, the Government of the F.R. of Yugoslavia considers it to be its utmost duty to inform the Committee on the Rights of the Child, whose mandate it is to monitor the implementation of the Convention by Member States, on the violations of the rights of children of the F.R. of Yugoslavia guaranteed by the Convention, as a consequence of the implementation and enforcement of the UN sanctions. It is with regret that we have to inform you that, in the present conditions and obstacles which it cannot influence, the Federal Republic of Yugoslavia cannot secure an efficient implementation of the Convention on the Rights of the Child, nor adequate rehabilitation of the already present victims of its flagrant violations in spite of all legal and concretely undertaken measures.

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Mrs. Hoda BADRAN
Chairman of the
Committee on the Rights
of the Child
G e n e v a

In the present situation, that has no precedent in the history of mankind, the unalienable rights of every person in the F.R. of Yugoslavia are directly threatened, in particular that of children as a most vulnerable category of the population.

It is the children's right to life that is threatened in the first place (Article 6 of the Convention) as our children, in the 21st century, in the heart of Europe, are dying without medicaments and indispensable medical care (Article 24 of the Convention). The children of Yugoslavia are today, unfortunately, hungry and insufficiently nourished (Article 27 of the Convention) and neither the state nor the parents can provide them with elementary social security (Article 26) nor with an adequate living standard (Article 27). Refugee children in the F.R. of Yugoslavia, beside rights guaranteed by the Convention (Article 22), are being discriminated in respect to refugee children in the other territories of the former Yugoslavia, since due to political reasons, the former enjoy much less international assistance. Although the rights of the child are guaranteed within the framework of international cooperation (Article 4), our children have been deprived of the right of the child to preserve his or her identity (Article 8); the right to freedom of expression and freedom of information (Article 13); the right to information from international sources (Article 17); special care for disabled children (Article 23); the right to education (Articles 28 and 29); and the right of the child to rest and leisure (Article 31).

In this context we consider it indispensable that the Committee undertake an urgent action procedure in order to review the extremely grave situation of the children in the F.R. of Yugoslavia. It is with this aim that the Report of the Government of the F.R. of Yugoslavia we are submitting herein has been prepared. In accordance with the competences entrusted to the Committee, it should propose urgent measures for overcoming the obstacles to the efficient implementation of the Convention on the Rights of the Child in the F.R. of Yugoslavia. If such an action is not undertaken, it is our concerned estimate, that further mass violations of the rights of children in the F.R. of Yugoslavia shall persist, since the effects of the UN sanctions are progressively aggravating the situation.

We propose that the Committee, as preliminary steps, undertakes the following:

1. We would kindly ask the Committee to inform of the content of the attached Report all the Member States of the Convention, bearing in mind the spirit, fundamental principles and rules of the Convention, which provides a universal

obligation of all to secure full respect of the rights and the protection of all children, without discrimination.

The obligation to cooperation and assistance, in the first place of all Member States but also of the international community as a whole, in such flagrant cases of violation of the rights of children, surpass the framework of moral orientation and represent a clear legal obligation, undertaken by the signing of the Convention.

2. Also, we consider that the Committee should submit the Report, together with its recommendations, to all relevant UN bodies, the Treaty Bodies, the specialized agencies and, in particular, being politically the most responsible, the United Nations General Assembly and the Security Council, and to ask for their opinion and stance on the situation, as well as for their concrete and urgent measures for eliminating the difficulties in the implementation of the Convention on the Rights of the Child in the F.R. of Yugoslavia, within their mandates and in the areas they have been charged with.

This will be in accordance with the rules of the Convention (Article 45 (b)) and your adherence to the enhancement of methods and efficiency of work, to the best interest of children whose protection you monitor.

3. The Committee should, we believe, recommend to "the General Assembly that it request the Secretary-General to undertake on its behalf" to prepare a study on the specific issue of the influence and consequences such measures as sanctions have on the life and protection of children (Article 45, (c)).

Being faced with the tragic experience of the children in its country, as well as that of the refugee children, the Government of the F.R. of Yugoslavia considers that such a study would be in the interest of future generations and all children who for political reasons at any time can be deprived of their fundamental rights, freedoms and preconditions for normal growth and development.

It is to this effect that the Government of the F.R. of Yugoslavia, in its letter to the Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, proposed that such a recommendation of the Committee on the Rights of the Child be given support and be realized (see annex).

4. Bearing in mind the urgency of the situation and the constant aggravation of the situation of the children who live i the F.R. of Yugoslavia, who are also your children being members of the world community of children, we expect that the Committee will, already at this preparatory session, undertake all necessary steps to set into motion an urgent action procedure.

5. We sincerely hope that you shall urgently inform us of your decision and measures to be undertaken.

6. We remain at your disposal for all forms of cooperation and further information.

Please accept, dear Madam Chairperson, the assurances of my highest consideration.

Dr Vladimir Pavicevic
Ambassador

FEDERAL REPUBLIC OF YUGOSLAVIA
FEDERAL GOVERNMENT

Dear Mr. Ghali,

In conformity with the Convention on the Rights of the Child, Article 44, para 1, please find enclosed the Report which in line with Article 44, para 2, of the Convention outlines the factors and difficulties being encountered in the process of honouring the commitments undertaken by the Federal Republic of Yugoslavia with its ratification of the Convention on the Rights of the Child on 3 December 1990.

However, regardless of all procedural and formal rules, this Report should, first and foremost, be taken as evidence of the deep concern of a state and its citizens over the future and even the survival of their posterity and an appeal to the conscience of mankind, and primarily of those whose direct responsibility it is to look after children and their legitimate rights, to do everything in their power to rescue innocent children in the F.R. of Yugoslavia from the perils looming ahead of them.

For all those reasons, the attached Report has been communicated also to a number of international organizations, as well as to a number of governments and non-governmental organizations and individuals.

As you are aware, under UN Security Council resolutions 757, 787 and 820 the harshest sanctions that have ever been enforced against a country and a people in the history of mankind have been applied against the Federal Republic of Yugoslavia. In adopting those resolutions, account seems not or only very

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Dr. Boutros BOUTROS-GHALI
Secretary-General of the UNO
N e w Y o r k

maliciously to have been taken - which we do not wish to believe - of the extent to which they would afflict the innocent population and especially its most vulnerable sections (children the old and the sick) whose punishment and abuse will leave an inerasable stain on the conscience of the international community. What is particularly discouraging is that the UN Sanctions Committee and the state authorities of certain UN member states are acting all too assiduously even beyond the scope of the above resolutions, namely in the humanitarian field which had been explicitly exempted, thus violating both the mentioned resolutions and a number of international instruments on human rights and freedoms and applying even more terror on the population of the Federal Republic of Yugoslavia.

In view of the above, we pin high hopes on your personal compassion, so many times asserted, as well as on the human aspect of the function you are discharging and would appreciate if you could use your good offices to stop and remove at least those tragic effects of the embargo on the Federal Republic of Yugoslavia that have afflicted our children.

We would be grateful if you could see to it that this Report, in keeping with the above mentioned Article, is transmitted to the Committee on the Rights of the Child, for their information together with our request that the Committee, pursuant to Article 45, item c), recommends the General Assembly to ask the Secretary-General to undertake a study on the specific issues relating to children's rights on behalf of the Committee.

The Federal Republic of Yugoslavia will submit a regular progress report on the application of the Convention, a commitment it has undertaken by ratifying the Convention, at a later date.

Hoping that this will meet with your understanding and that you will accommodate our requests, please accept, on behalf of the Government of the Federal Republic of Yugoslavia and in my own name, the assurances of my highest consideration.

Margit Savovic
Federal Minister for Human and
Minorities Rights

FEDERAL REPUBLIC OF YUGOSLAVIA
FEDERAL GOVERNMENT

R E P O R T

ON THE PROBLEM AND DIFFICULTIES IN THE ENFORCEMENT OF THE CONVENTION ON THE RIGHTS OF THE CHILD (NOVEMBER, 1993)

I - INTRODUCTION

The Federal Republic of Yugoslavia, by acceding to and ratifying the Convention on the Rights of the Child, has accepted to act in conformity with all its provisions and has in all its activities, both in passing domestic legislature and in its international co-operation, complied with the principles set out therein. Having significantly expanded the rights envisaged by the Convention in its national legislation and practice, the F.R. of Yugoslavia is now, through no fault of its own, no longer in a position to apply the basic provisions of the Convention due to the effect of the relevant UN Security Council resolutions ratified by most of the signatory countries of the Convention.

Bearing this in mind, we consider it our moral right and, first and foremost, moral and legal obligation toward our young generation, as well as an obligation stemming from our membership to the Convention on the Rights of the Child, to inform the Committee on the Rights of the Child on the situation in which the children of the F.R. of Yugoslavia are in and to request, in accordance with the competences of the Committee, an urgent action procedure to review the said situation, on the basis of data we have submitted (as well as those we can additionally submit upon your request), and to propose urgent measures for overcoming the present obstacles for an efficient implementation of the Convention on the Rights of the Child in the Federal Republic of Yugoslavia.

Let us recall here as well that the competent authorities in the F.R. of Yugoslavia, including a large number of non-governmental organizations, have repeatedly informed the UN Security Council, the UN General Assembly, the World Health Organization and the World Human Rights Conference in Vienna on the status of children in the F.R. of Yugoslavia in the course of this year. This has been also commented on by the representatives of UNICEF, the World Health Organization and UNHCR on several occasions so far.

II - BACKGROUND INFORMATION

According to the 1991 population census, the Federal Republic of Yugoslavia has a population of 10.5 million, 3.2 million of which are children aged under 18 meaning that 40.4% of the population of the F.R. of Yugoslavia are children and young people under 24. The F.R. of Yugoslavia has further provided shelter to a large number of refugees coming from the war-torn former Yugoslav republics. According to the latest available figures, there are currently 548,310 registered refugees, 495,000 of which in the Republic of Serbia (5% of its total population) and 53,310 in Montenegro (8.5% of the total population of that republic). 230,000 refugee children under 18 live in the F.R. of Yugoslavia and over 10,000 babies have been born to refugees in the F.R. of Yugoslavia so far.

III - GENERAL ENVIRONMENT IN WHICH THE CHILDREN LIVE AND GROW UP

Unconstitutional separation, secession by a number of the republics which had been part of the former Yugoslavia, followed by the effects of the war in its neighbourhood, along with UN Security Council sanctions contained in resolutions 575, 787 and 820 have rapidly and dramatically worsened the social and economic situation in the F.R. of Yugoslavia.

All forms of international trade, scientific-technical and cultural co-operation have been broken off. Sanctions objectively mean a total international isolation of the F.R. of Yugoslavia.

From 1990 to 1993, the F.R. of Yugoslavia registered the cumulative loss of some US$ 25 billion in its social product (GNP) relative to 1989.

Unemployment is rapidly rising; some 1 million former employees of the public sector are out of work (of the total 2.3 million employed) or have lost their jobs due to sanctions and some 700,000 more have been temporarily rested. Regardless of the steps taken by the competent authorities, all this has triggered hyperinflation currently estimated to be running at an unbelievable 1% an hour.

The volume of total production has been drastically reduced, the per capita GNP dropped from US$ 2,330 in 1991 to US$ 1,750 in 1992, while, according to estimates, it will further decline by at least 30% in 1993.

Real monthly earnings average around US$ 12, while average pensions do not exceed US$ 8. The living standards of some 85% of the population in the F.R. of Yugoslavia have plummeted to the point of mere subsistence, and currently about 50% of the population is classified as persons in need of social welfare.

The number of suicides, particularly among old people, is rapidly rising.

The living standards of children in the F.R. of Yugoslavia have generally deteriorated. Neither parents nor the state can provide adequate living conditions for the physical, mental, spiritual, moral and social development of children under the present circumstances.

As a result of the accumulated problems, the status of children in the F.R. of Yugoslavia has also worsened to the point where it represents a gross violation of children's rights guaranteed by the Convention on the Rights of the Child.

The social climate for the children to grow, defined in the Preamble of the Convention as a prerequisite for normal development, is marked not by happiness and peace, but rather by fear, uncertainty, hostility, grief and insecurity. All this causes severe mental and psychological stress in children.

IV - THE SITUATION AND INFLUENCE OF SANCTIONS ON CERTAIN RIGHTS OF CHILDREN GUARANTEED BY THE CONVENTION ON THE RIGHTS OF THE CHILD

Sanctions have most drastic effects on the fundamental right of every human being, in particular that of a child, the right to life. This right of the children of Yugoslavia is threatened in many aspects, but most severely and most evidently through the area of health care.

The state of health of the population of the F.R. of Yugoslavia, and mothers and children in particular, is deteriorating every month regardless of the very well-developed network of health institutions and the totally free health services available to the public so far. This network comprises 191 public health homes; 23 state-of-the art medical centres; 20 specialized health institutions and 95 hospitals and clinical hospitals employing 92,000, including 21,000 doctors, 4,478 dentists and 2,479 pharmacologists.

This was recently pointed out also by the representative of the World Health Organization, Dr Hanu Uori who estimated with pessimism that "the current health situation in the F.R. of Yugoslavia is tantamount to a disaster, mortality has gone up 10% due to sanctions, the number of TBC cases has tripled, children are dying of malnutrition and for lack of medicines, all of which could have been avoided."

The health care budget, which in 1990 amounted to 4.5% of the GSP (cca US$ 50 per capita in real terms), went up in 1993 to 13%, but dropped to US$ 30 per capita in real terms so that now it cannot provide even for the minimum primary health care of the public, particularly not for the most vulnerable groups.

The pharmaceutical industry, once able to meet most of the domestic needs, cannot continue production in view of its high import depencency (over 95%), as a special decision by the Sanctions Committee has banned imports of raw materials for the production of drugs.

According to the estimations of the World Health Organization, the number of neuroses in the population has increased by some 600%. Experts predict a rise in the number of children and young people with mild and curable as well as with more serious mental disorders and say this will have unforeseeable negative consequences.

Death among infants, in Belgrade alone, has increased over the past year (1991-1992) from 14 to 16% and has continued to grow also in 1992. The number of risky pregnancies and babies born prematurely has increased. The Premature Children's Institute had treated 1,000 such children by 1 November 1993. In the first six months of 1993, 173 children developed sepsis, 17 meningitis, 41 came down with salmonellae, 412 contracted pneumonia, which represents a 50% increase on the corresponding 1992 figure.

Mortality due to infectious diseases which accounted for 7% in the 1991-1992 period, went up by 214% in 1992 and in the first half of 1993. The number of TBC cases relative to 1990 increased by 8.6%. The number of epidemics went up by 352% in hospitals.

In late 1992 and in the course of 1993, an increased number of children with rheumatic fever was registered particularly among refugee children.

Treatment of children suffering from chronic respiratory and renal diseases, diabetes and malignant diseases for months and years, has become the "nightmare" of their doctors and a tragedy for their parents, due to the shortage of expensive imported drugs. Anyone who meets those parents will realize how deep is the abyss of human despair.

The compulsory vaccination coverage of school children declined from 91.29% in 1988 to 84.2% in 1992 for Di-Te-Per; from 93.3% to 84.45% for polio; and from 91.79% to 80.64% for measles, with the continuing downward trend. The morbille epidemic in the capital of the Republic of Montenegro Podgorica alone afflicted 10,000 children. The main reasons, apart from the vaccine shortage, are fuel shortages, inadequate vaccine storage conditions due to obsolete equipment and impossibility of procuring spare parts.

Due to shortages of reagents and materials for clinical and microbiological laboratories, most diagnoses are established on the basis of clinical and other symptoms. The Pathology Institute

registered an increase in incorrect diagnoses from 19% in 1991 to 35% in 1992.

In the first five months of 1993, 44 babies died at cardio-surgical children's wards in two Belgrade and one Novi Sad clinical hospitals, as they could not be operated on for lack of needed materials, and as children with heart disease could not be sent abroad for further treatment, and the number of operations was reduced to one or two a week. The operation waiting list at the Mother and Child Institute in Belgrade includes the names of some 300 to 400 helpless children. Two clinical hospital centres in Belgrade and in Nis alone postponed some 3,600 operations for lack of materials in 1992.

The drastic situation of sick children and their parents brought on by the sanctions are painfully illustrated by the fact that the parents of 7 children treated for leukemia at the Belgrade Mother and Child Institute stated in the first 5 days of November 1993 that they wished to cancel further treatment as they were unable to afford the cost which had been the exclusive concern of the society in the period preceding the sanctions.

The same Institute cannot provide effective treatment for some 400 children suffering from haemophilia and to some 30 children with phenil-ketonuria.

The general population is threatened with possible larger-scale infections due to the lacking water purification agents. In certain areas, as Dragacevo, Western Serbia for instance, a large number of people developed infections after using bacteriologically unsafe water, which can be also termed a kind of local epidemic.

Particularly vulnerable is the position of refugee children in the F.R. of Yugoslavia; while they have integrated in the educational and health care systems, they suffer numerous negative consequences due to their abruptly broken childhood and exclusion from their former milieux. With all the concern by the state to provide for this fairly large category of children adequate accommodation and living conditions, the overall grave economic situation has had an even harsher impact on them, so that they have been more exposed to complaints of a mental nature, more prone to juvenile delinquency, alcohol and drug-abuse, and even to prostitution attended by attempted suicides.

The right of every child to social security has been put in danger, primarily due to the shortage of funds needed for maintaining the attained coverage standard. The status of disabled children, in particular, has deteriorated considerably.

We wish to bring to attention also the fact that 40,000 children of Yugoslav workers abroad, who have qualified for family allowance under relevant bilateral social security agreements entered into by Yugoslavia and certain countries where

our migrant workers live, have lost that right, despite the fact that the point at issue is social benefits which should not be subject to sanctions.

Hyperinflation, as a result of sanctions, has totally devalued the right to various forms of benefits and relevant entitlements (family allowance, maternity allowance, etc.), so that those forms of child care stop short of even provicing the minimum security for the most destitute families.

Pre-school institutions face the problem of many children leaving, for their parents cannot afford the cost of care in drastically deteriorated living conditions. Only 6.5% of all children being looked after at pre-school institutions get the usual number of meals. At compulsory primary schools a small number of children (some 30%) get a snack which is very low in calories. Calory intake of the overall population was reduced by some 30% in the 1990 - March 1993 period. The diet of no less than 20% of the population is below subsistence level. This is why 50% of all school children is suffering from anaemia in Belgrade.

To get a more rounded-off picture of the severe living conditions of children in the F.R. of Yugoslavia today, let us mention that most of the F.R. of Yugoslavia, with the exception of the coastal belt in Montenegro, is situated in the region marked by continental climate with harsh winters and average daily temperatures in the five winter months ranging from 0°C to 10°C, and often dropping even to -20°C.

Due to the shortage of energy-generating materials, hospitals, kindergartens and schools have not yet started heating even though air temperature in early November was around 0 degrees C. This will have unforeseeable consequences for the general health of the population and particularly for the vulnerable children population.

Sanctions have affected in many a way also the area of education, culture and information, regardless of those areas not having been directly mentioned in the relevant UN SC resolutions. A total break-off of international co-operation in those areas, according to the assessment by UNICEF, will have unforeseeable consequences for the future generations of children in the F.R. of Yugoslavia. Secondary and higher education that was free before the sanctions were imposed for all full-time pupils and students, now has to be paid up to 20% of the total cost by students whose parents find this difficult to bear. In addition, the conditions in which children attend school in Yugoslavia today are more than inhuman, due to the already mentioned heating problem.

Special schools for deaf, blind and other retarded children, attended by some 1,000 little pupils, are not in a position to continue providing even the indispensable orthopedic

aids, and, as a result, these children have joined the particularly vulnerable group. They further lack the basic teaching aids, meaning they have been deprived of even the most essential prerequisites for their education.

Sanctions are having a very negative impact as well on education of children of Yugoslav migrant workers abroad. In some countries with which bilateral agreements have been entered into - France, Germany - our children are banned from attending courses in their native language, as the embargo on importation of textbooks and other books from the F.R. of Yugoslavia is in force, schools running supplementary courses are being closed down and the supply of funds required for native language courses for Serbian and Montenegrin children - cut off. Moreover, high school textbooks in the F.R. of Germany and France abound in discriminatory references to the Serbs and Montenegrins and recent events in former Yugoslavia. The latest example is the information material "War in the Balkans" for 10th-form students in Hamburg, dealing in a biased and partial manner with the latest developments in the Balkans. It is not even necessary to mention here how gravely this will affect Yugoslav students of Serb and Montenegrin nationality and their relationships and credibility in the German environs when they will be forced to discuss it themselves in their classes in German schools. This represents a glaring violation not only of particular provisions of the Convention on the Rights of the Child (Art. 2, item 2) but also those of the Convention against Discrimination in Education, accepted by UNESCO.

The right of a child to rest and leisure, as well as to participation in cultural life and the arts has been jeopardized on account of the drastic drop in the living standards of the public in the conditions of sanctions. The possibilities of putting on foreign children's films, printing of foreign children's books, publication of foreign children's magazines have been denied. The most drastic example is the ban placed after 80 years on the printing of Mickey Mouse cartoon strips and other Disney heroes, whose adventures were followed by several generations in this country, but also in the countries of what is known as Western democracy that have by their measures isolated the children of the F.R. of Yugoslavia.

The outlined economic situation in the F.R. of Yugoslavia has also led to the country being unable to take appropriate measures to protect the environment, which has a bearing particularly on children as the most sensitive population category. Account should also be taken of the fact that this situation, as environmental pollution does not stop at state boundaries, has a negative impact, not only on children and other population in the F.R. of Yugoslavia, but can also affect life in neighbouring countries and elsewhere.

The above description of the situation, fragmentary though it is, reflects the extremely serious conditions facing the

population of the F.R. of Yugoslavia, and children in particular, including refugees who share the common lot brought about by the mentioned resolutions of the world community and sanctions set out therein.

This warrants the following question: did the countries signatories of the Convention on the Rights of the Child, in passing the mentioned resolutions, have in mind Art. 2, item 2 of the Convention, namely that:

"2. STATES PARTIES SHALL TAKE APPROPRIATE MEASURES TO ENSURE THAT THE CHILD IS PROTECTED AGAINST ALL FORMS OF DISCRIMINATION OR PUNISHMENT ON THE BASIS OF THE STATUS, ACTIVITIES, EXPRESSED OPINIONS, OR BELIEFS OF THE CHILD'S PARENTS, LEGAL GUARDIANS, OR FAMILY MEMBERS."

Did the countries signatories of the Convention on the Rights of the Child, in passing those resolutions, also bear in mind other articles of that Convention, namely Art. 4 (guaranteeing the right of the child within the framework of international co-operation); Article 6 (the child's right to life and development); Article 8 (the right of the child to preserve his or her identity); Article 13 (the right to freedom of expression and freedom of information); Article 17 (the right to information from international sources); Article 22 (care for refugee children); Article 23 (special care for disabled children); Article 24 (the right of the child to the highest standard of health and medical care); Article 26 (the child's right to benefit from social security); Article 27 (the right to an adequate living standard); Articles 28 and 29 (the right to education); and Article 31 (the right of the child to rest and leisure).

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V - IN CONCLUSION

The F.R. of Yugoslavia maintains that it is its moral right, and, first and foremost, its obligation toward its young generations, to request from the Committee on the Rights of the Child to reconsider, proceeding from the facts presented in this Report regarding the extremely grave status of children in the F.R. of Yugoslavia as a result of the UN SC sanctions, urgent measures which will make it possible to overcome the present situation and obstacles in order that the children of Yugoslavia may fully enjoy all their rights guaranteed by the Convention on the Rights of the Child as well as, and it is our profound conviction, by your highly moral and expert qualities and right to be unprejudiced, "to the best interest of the child".

In that context, the Committee should in particular reconsider the justifiability of any further enforcement of

resolutions 757, 787 and 820 from the standpoint of respect for children's rights stipulated in the Convention on the Rights of the Child. At the same time, the F.R. of Yugoslavia expects that the Committee will make an active contribution to the lifting of the profoundly unjust UN SC sanctions, upon a comprehensive review of the situation in the area of children's rights to protection.

The Federal Republic of Yugoslavia, therefore, looks forward to receiving an invitation to the debate on this so far untold case of infringement of the Convention on the Rights of the Child.

FOR THE FEDERAL GOVERNMENT
MS MARGIT SAVOVIC
FEDERAL MINISTER FOR HUMAN AND
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REF. N°: G/SO 228/1 (3)
(A rappeler dans la réponse)

19 November 1993

Dear Mr. Ambassador,

I should like to acknowledge with thanks the receipt of your letter of 15 November 1993. The Working Group of the Committee on the Rights of the Child discussed the contents of this letter at its session during the present week.

The Committee is deeply concerned about the situation of children in all parts of former Yugoslavia. At its third session, it decided to bring its concerns to the attention of Mr. Tadeusz Mazowiecki, the Special Rapporteur appointed by the Commission on Human Rights to follow the situation of human rights in the territory of the former Yugoslavia.

The Committee is today requesting the Special Rapporteur, Mr. Tadeusz Mazowiecki, to undertake a comprehensive report on the human rights situation of children in all parts of former Yugoslavia.

We would like to inform Your Excellency about an earlier initiative of the Committee, in which it requested that the General Assembly recommend to the Secretary-General to undertake a study on ways and means of improving the protection of children from the adverse effects of armed conflicts. That proposal was endorsed by the World Conference on Human Rights and is now up for discussion at the present session of the General Assembly. This study should be comprehensive and include humanitarian assistance aspects including on ways and means of meeting the basic needs of children.

Accept, Dear Mr. Ambassador, the assurances of my highest consideration.

Hoda Badran
Chairperson
Committee on the
Rights of the Child

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No. 1049/1

23 November 1993

Dear Madam Chairperson,

I would like to thank you and the members of the Working Group of the Committee on the Rights of the Child on your speedy reply [ref. no.: G/SO 228/1 (3)] of 19 November 1993 referring to the Report of the Government of the Federal Republic of Yugoslavia and my letter of 16 November 1993 sent to you on the occasion. In the said communications we informed you in detail of the dramatic situation of the children in the F.R. of Yugoslavia as a consequence of the implementation of the UN sanctions and, in accordance with the responsibilities the Committee has been mandated, requested the undertaking of an urgent action procedure.

I would also wish to thank you for informing us that you brought to the attention of the Special Rapporteur Mr. Tadeusz Mazowiecki that you were "deeply concerned about the situation of children in all parts of former Yugoslavia" and that you requested that he "undertake a comprehensive report on the human rights situation of children in all parts of the former Yugoslavia."

However, at the same time, I would like to take the opportunity to point out, once again, that the situation of the children in the Federal Republic of Yugoslavia, as a consequence of the implementation of the UN sanctions, is extremely critical and that I hope that the sense of urgency, which characterizes my Government's approach and the document itself, will be followed up by an action, appropriate to the graveness of the situation.

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Ms Hoda Badran
Chairperson
Committee on the Rights
of the Child
United Nations Centre for
Human Rights
G e n e v a

In this connection, I would like to draw your attention to the fact that since your first communication to the Special Rapporteur Mr. Tadeusz Mazowiecki, nearly a year ago, the situation of the children in the F.R. of Yugoslavia has drastically deteriorated, as can be seen even more concretely from the data given in the Report we transmitted to you. This is also confirmed in Mr. Tadeusz Mazowiecki's latest Fifth Report which concludes explicitly as follows: "The situation is expected to worsen dramatically during winter, particularly for the most vulnerable - the old and the very young" (doc. E/CN.4/1994/47, para. 223, 33).

Bearing all this in mind, I would once again kindly ask you to consider the possibility of your direct and urgent commitment to avoid, or at least alleviate, the humanitarian catastrophe threatening the children of the F.R. of Yugoslavia.

Deeply convinced that, in the case of the children of the F.R. of Yugoslavia too, the Committee will carry out all the responsibilities given it, not only in compliance with the provisions of the Convention but also with the basic principle - that it is acting in the best interest of children, please accept, dear Macam Chairperson, the assurances of my highest consideration.

Dr. Vladimir Pavicevic
Ambassador